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Approved For Release 2003/06/02 : CIA-RDP77M00144R001100180020-2

OGC 15-4277

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

Legislative Counsel

EXTENSION

NO.

DATE

20 November 1975

25X1

TO: (Officer designation, room number, and building)

DATE

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Director

11/21

11/21

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OLC

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This deals with a provision of an Enrolled Bill requiring an impact statement by ACDA on new large weapons systems as they relate to arms control and disarmament policy or negotiations.

ERDA and others are considering recommending a veto and I am fearful may want to drag us in for support. I see no reason why we should get off the reservation and be sucked into other people's battles on this one, but I do recommend that we go on record with OMB on two points: 1) That intelligence collection systems are not involved and 2) any finished intelligence to be included in the impact statement must be properly protected.

George L. Cary
Legislative Counsel

BY HAND -- Pls call

25X1

FORM
3-62

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CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

OLC 75-3008

Executive Registry

75-12563

24 NOV 1975

Mr. James M. Frey, Assistant Director
for Legislative Affairs
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Frey:

This is submitted in the interest of providing views on Section 146 of the Foreign Relations Authorization Act, Fiscal Year 1976, S. 1517, which adds Section 36 to Title III of the Arms Control and Disarmament Act.

Section 36 as a whole appears to be concerned only with military weapons and military research programs and the word "technology" in Section 36(a)(3) is construed as applying solely to military technology, not to intelligence collection technology. I have been advised that the National Security Council and the Office of Management and Budget agree that intelligence collection programs would not be subject to the requirements of this Section.

With respect to Section 36(b)(2), it is our view that "a complete statement analyzing the impact of such programs on arms control and disarmament policy and negotiations" need not include sensitive, finished foreign intelligence. However, to the extent that these impact statements may be required to include finished intelligence as a result of ambiguities of language, it is absolutely essential that such information be afforded proper protection and it would be necessary that such information be transmitted under conditions to protect against its unauthorized disclosure and against unnecessary proliferation.

Sincerely,

W. E. Colby

W. E. Colby
Director

Distribution:

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OLC/WFO/LLM: 22 (20 Nov 75)

